

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 9
Filed: 6 July 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FRITZ H. **BACH**, LEO E. OTTERBEIN,
MIGUEL P. SOARES and JEANNE GOSE,

Patent 7,238,469 B2,
Junior Party,

v.

DAVID J. **PINSKY**, DAVID M. STERN
and CHARLES J. PRESTIGIACOMO,

Application 10/679,135
Senior Party.

Patent Interference No. 105,815
(Technology Center 1600)

Before RICHARD E. SCHAFER, SALLY GARDNER LANE, and SALLY C. MEDLEY,
Administrative Patent Judges.

LANE, *Administrative Patent Judge.*

Judgment– Request for Adverse – Bd. R. 127

1 Counsel for Bach indicates that Bach does not intend to file any paper in the
2 interference. (See attached e-mail). Accordingly, it is appropriate to enter judgment
3 against Bach. Bd. R. 127(b)(4).

4 It is

5 ORDERED that judgment on priority as to Count 1 (Paper 1 at 4), the sole
6 count of the interference, is entered against junior party Bach;

7 FURTHER ORDERED that claims 15, 18, 19, 37-39, and 46-48 of Bach
8 patent 7,238,469, which claims correspond to Count 1 (Paper 1 at 4), are CANCELLED,
9 35 USC §135(a):

10 FURTHER ORDERED that if there is a settlement agreement, the parties
11 are directed to 35 USC 135(c) and Bd. R. 205; and

12 FURTHER ORDERED that a copy of this judgment shall be entered into
13 the administrative record of the Bach involved patent and the Pinsky involved
14 application.

cc (via Electronic and Overnight Delivery):

Counsel for BACH:

Debra A. Shetka, Esq.
FISH & RICHARDSON P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402

Tel: 612-335-5070
shetka@fr.com

Counsel for PINSKY:

John P. White, Esq.
Gary J. Gershik, Esq.
COOPER & DUNHAM, LLP
30 Rockefeller Plaza, 20th floor
New York, NY 10112

Tel: 212-278-0400
jwhite@cooperdunham.com
ggershik@cooperdunham.com

Vignone, Maria

From: Lane, Sally
Sent: Tuesday, July 05, 2011 12:21 PM
To: Despertt, Sonja
Cc: Vignone, Maria
Subject: FW: FYI - Important!! - FW: Interference 105815 (SGL)

-----Original Message-----

From: Debra Shetka [mailto:Shetka@fr.com]
Sent: Tuesday, June 28, 2011 11:46 AM
To: Medley, Sally
Subject: RE: Interference 105815 (SGL)

Thank you, your honor. I want to let you know that we have been instructed by the client not to pursue this interference and not to incur any fees. As such, I will not be filing any papers in this matter.

Sincerely,
Debra Shetka

From: Medley, Sally [mailto:Sally.Medley@USPTO.GOV]
Sent: Mon 6/27/2011 3:58 PM
To: Debra Shetka
Subject: FW: Interference 105815 (SGL)

Dear Ms. Shetka,

You may now file papers through the Web Portal for this case.

Sincerely,

Sally Medley

Administrative Patent Judge

Board of Patent Appeals and Interferences

United States Patent and Trademark Office

From: Debra Shetka [mailto:Shetka@fr.com]
Sent: Friday, June 24, 2011 1:06 PM
To: BOX INTERFERENCES
Subject: Interference 105815 (SGL)

Pursuant to Standing Order 10.1, counsel for Bach in Interference 105815 will be Debra A. Shetka, Reg. No. 33,309, e-mail address shetka@fr.com

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

IRS CIRCULAR 230 DISCLOSURE: Any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.(FR08-i203d)

